

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

TATYANA ROZENTULER
11 Pitt Road
East Brunswick, NJ 08816
Plaintiff,

vs.

NATIONAL ENTERPRISE SYSTEMS,
INC.
29125 Solon Road
Solon, OH 44139
Defendant.

Case Number

07 - 5806 FLW

CIVIL COMPLAINT

COMPLAINT

I. INTRODUCTION

1. This is an action for damages brought by a consumer pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692 ("FDCPA").

2. The FDCPA prohibits collectors from engaging in deceptive and unfair practices in the collection of consumer debt

II. JURISDICTION

3. Jurisdiction arises under 15 U.S.C. §1692k and 28 U.S.C. §1337.

III. PARTIES

4., Plaintiff is Tatyana Rozentuler, a consumer who resides at the address captioned above.

5. Defendant is National Enterprise Systems, Inc. (hereinafter "NES"), is a foreign corporation with a principal place of business at 29125 Solon Road, Solon, OH 44139 and a mailing address as captioned above.

6. NES regularly uses the mail and telephone to attempt to collect consumer debts alleged to be due another.

7. NES is a "debt collector" as that term is contemplated in the FDCPA, 15 U.S.C. §1692a(6).

IV. STATEMENT OF CLAIM

8. At all times relevant hereto, NES was attempting to collect a consumer debt allegedly due on a disputed account between a consumer debtor who apparently used to have the same phone number as the Plaintiff.

9. Since August of 2007 Plaintiff has received phone calls on her cell phone from Defendant, sometimes the calls will be as many as five times per day.

10. In August of 2007 Plaintiff purchased a new cellular telephone.

11. Plaintiff received a new phone number with the new purchase.

12. Plaintiff works in a tele-commuter status, which is essentially working over her cellular phone.

13. Plaintiff informed Defendant that she is the new owner of this phone ever since the calls began in August, Defendant has failed and refused to stop the constant barrage of calls to Plaintiff's phone.

14. During the time that Plaintiff spoke with Defendant's agent on her cellular phone and for the countless time asked for the calls to stop the Defendant's agent instead of assisting the Plaintiff referred to Plaintiff as a "junkie" and disconnected the call.

15. Plaintiff has been made to suffer personal embarrassment and undue stress manifesting in physical symptoms of continued discomfort and a loss of income.

COUNT I – FAIR DEBT COLLECTION PRACTICES ACT

16. Plaintiff repeats the allegations contained above as if the same were here set forth at length.

17. Defendant, NES's conduct violated the FDCPA in the following ways:

(a) By making false, deceptive or misleading telephone calls to plaintiff in connection with a consumer debt alleged due, in violation of 15 U.S.C. §1692e and §1692e(10); and

(b) By failing to disclose in its communications that the communication was from a debt collector, in violation of 15 U.S.C. §1692e(11); and

(c) By using abusive language in violation of 15 U.S.C. §1692d(2)

(d) By contacting third parties in violation of 15 U.S.C. §1692b(1), (2), (3) and §1692c(b).

WHEREFORE, Plaintiff, Tatyna Rozentuler demands judgment against Defendant, National Enterprise Systems, Inc. for:

(a) Damages in the amount of \$35,000.00;

(b) Statutory damages of \$1,000.00 per violation

(c) Attorney's fees and costs;

(d) Such other and further relief's the Court shall deem just and proper.

V. DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury as to all issues so triable.

Respectfully submitted,

Date: 12/5/2007

/s/ Bruce K. Warren
BRUCE K. WARREN
Attorney for Plaintiff
WARREN & VULLINGS, LLP
1603 Rhawn Street
Philadelphia, PA 19111
215-745-9800 Fax 215-745-7880